

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

FREDDIE JAMES MCDOUGAL, JR.,

Plaintiff,

v.

Case No. 23-C-99

PRISCILLA JOHNSON, et al.,

Defendants.

DECISION AND ORDER

Plaintiff Freddie McDougal is currently serving a state prison sentence and representing himself in this 42 U.S.C. §1983 action. On September 6, 2023, McDougal filed a motion for an order to compel Defendants to respond to his discovery requests. Dkt. No. 28. He asserts that Defendants objected to his requests and refused to provide the documents he requested. The Court will deny McDougal's motion without prejudice. Civil L. R. 37 requires that, before filing a motion to compel, a party must first discuss any issues with the opposing party's lawyer. This is because parties are frequently able to resolve discovery disputes on their own, which saves the Court and the parties valuable time and resources. If the parties are unable to resolve a discovery issue and a party files a motion to compel, the motion must include a certification that the parties tried to resolve the issue without the Court's involvement. McDougal's motion does not include the required certification, and Defendants' counsel has confirmed that McDougal made no efforts to raise his concerns with Defendants' counsel before filing his motion. *See* Dkt. No. 30. Accordingly, the Court will deny McDougal's motion. If the parties are unable to resolve McDougal's issues after conferring in good faith, McDougal may refile his motion.

Also, Defendants emphasize that they did not “refuse” to provide McDougal with the documents he requested. They explain that they answered McDougal’s requests subject to and without waiving objections. If McDougal believes Defendants did not fully respond to his requests or that their objections are misplaced, he should raise his concerns with Defendants’ counsel. As they discuss McDougal’s concerns, Defendants’ counsel is encouraged to keep in mind that McDougal is *pro se* and has only limited legal experience. The Court trusts that the parties will be able to resolve most, if not all, discovery issues if they work together in good faith.

IT IS THEREFORE ORDERED that McDougal’s motion to compel (Dkt. No. 28) is **DENIED without prejudice.**

Dated at Green Bay, Wisconsin this 27th day of September, 2023.

s/ William C. Griesbach

William C. Griesbach
United States District Judge